



SCOTT P. ZIMMERMAN, PLLC
PO BOX 3822
CARY NC 27519

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APR 22 2005

OFFICE OF PETITIONS

In re Application of
Clifford Lee Knight
Application No. 09/752,307
Filed: December 29, 2000
Attorney Docket No. 36968-203125

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(f), filed May 26, 2004, to revive the instant nonprovisional application.

The petition is **GRANTED**.

The above-identified application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A review of the application file discloses that a request to rescind a previously filed nonpublication was submitted on August 24, 2001. However, the request failed to notify the Office that the subject application was filed in a foreign country or under a multilateral international agreement within 45 days after the date of filing of such foreign or international application as required by 35 USC 122(b)(2)(B)(iii). It is not sufficient for an applicant to merely rescind a previously filed nonpublication request without also notifying the Office that the subject application was filed in a foreign country or under a multilateral international agreement within 45 days after the date of the filing of such foreign or international application.

In view of the above, the filing of a petition under 37 CFR 1.137(f) is the appropriate avenue of relief. The instant petition has been found in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of such foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The change in correspondence address has been entered and made of record.

This application is being forwarded to Technology Center 2600 further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with the first name "Charlema" being more prominent than the last name "Grant".

Charlema R. Grant
Petitions Attorney
Office of Petitions